



M U L T I S T A T E

### [Who is lobbying to change Florida's privacy laws? That's private](#) (Florida)

A mysterious group is the driving lobbying force behind sweeping legislation that would beef up Florida's data privacy laws. It has hired a Tallahassee-based lobbying team and spent \$300,000 in political contributions, but almost no one — including the sponsors of the bills — has any idea who is behind the group.

The organization, Propel Florida, is a nonprofit that is not required to disclose its donors, lists a UPS box in Lithia as its only address and was incorporated last April. But over the first half of the 2021 legislative session, the group has flexed its political muscle. It's so far steamrolling the state's powerful business lobby, which almost universally opposes the legislation because it would allow consumers to sue companies over data-privacy violations, a provision supporters say is a needed enforcement mechanism to protect consumer rights.

The organization, whose existence [POLITICO first reported](#) in December, has hired well-known Tallahassee-based lobbyists who are actively meeting with lawmakers. The bills ([FL HB969 \(21R\)](#)/ [FL SB1734 \(21R\)](#)) would give consumers more access to data collected by companies and allow them to opt-out of the sale of that data. In early committee stops, the proposals have gotten overwhelming support in committee stops, but neither sponsor of the bills introduced in February says they know the true identity of the organization that has spurred a lobbying push to pass legislation they are sponsoring.

“I am aware of a group identified as Propel Florida, and have met with their lobbyists as well as many other lobbyists across the state on my data privacy bill,” state Sen. Jennifer Bradley, a Fleming Island Republican sponsoring the Senate version of the bill, said in an interview. “I don't have any knowledge about the specifics of the group.”

Bradley said it does not concern her that a group she knows nothing about is a main lobbying force behind a bill she is sponsoring because “I support the policy.”

House sponsor, state Rep. Fiona McFarland (R-Sarasota), is also in the dark. She said she has met with lobbyist Derek Whitis, a Tallahassee-based contract lobbyist hired by Propel Florida, to discuss the bill, but has no idea who the organization is or who is funding its efforts.

“I have worked with lots of companies and industries on this bill,” she said in an interview. “Propel Florida was introduced to me through their lobbyists as a proponent of data privacy.”

In a text message, Whitis said Propel Florida is a “social advocacy group looking to support the data privacy protection legislation.” He did not respond to follow up questions about who is behind the group. The group is not violating any state laws, which allow organizations and nonprofits to lobby the Legislature without identifying donors.

Both Bradley and McFarland said they have spoken with dozens of lobbyists about the bill when asked about Propel Florida, but among those lobbying on the bill, an overwhelming majority are in opposition. Opponents include some of the biggest business groups in the state including the National Federation of Independent Businesses and Associated Industries of Florida. Propel Florida is the only outside group that expressed support in each of the bill’s three committees, which it has passed with just one “no” vote among the three. California-based software and cloud company Oracle also expressed support in its first House committee stop. Oracle is among the companies that [helps with privacy law compliance](#). Many such firms emerged after passage of the California Consumer Privacy Act of 2018, a bill that resembles the Florida legislation, but differences exist.

Ken Glueck, who heads Oracle’s government affairs team, said that outside of a strong federal consumer data protection law, the company has been encouraging states to institute bills as data increasingly becomes a tool for “surveillance.”

“Let’s keep pushing the rock up the hill,” Glueck said. “We are encouraging states to go it alone, and Florida has an important economy.”

He said his company has no idea who Propel Florida is.

“We are supporting this bill out in the open under our company logo,” he said.

Florida CFO Jimmy Patronis’ office has also supported the bill in committee. Frank Collins, a spokesperson for Patronis, said the CFO is “concerned about consumer protections issues,” and that he had heard from Propel Florida, but did not return follow up questions about whether he knew who was behind the group.

Propel Florida has also hired contract lobbyists Cameron Yarbrough and Paul Hawkes, records show. Neither returned a request seeking comment.

The group has also given \$300,000 in political contributions, according to campaign finance records. That includes \$50,000 to both the Republican Party of Florida and the main Republican Senate campaign committee in October, and \$100,000 last month to both a political committee chaired by Dave Ramba, whose lobbying firm employs Yarbrough, and a separate committee chaired by lobbyist Bill Helmich.

In December, Ramba told POLITICO that Propel Florida was led by someone named Shaun Keck, who at the time identified himself to POLITICO as Propel Florida's director.

"The fact of the matter is Floridians can't trust Big Tech," Keck said in a December email. "For years, virtual platforms have been collecting personal, private information from all of us. After which they capitalize by renting and selling this private information."

Keck did not respond to follow up questions at the time, and did not respond to several requests for comment for this story.

The bills in the House and Senate are not identical, but both have core provisions that would allow consumers the right to access personal information a business collects on them, the right to opt-out of the sale of their personal data, and allows them to request a business delete the personal data they have on them. The provisions would apply to companies that have \$25 million or more in global annual revenue, annually buy data of more than 50,000 consumers for commercial purposes, or get 50 percent of their annual revenues from selling data.

The provisions specific to data-privacy are largely non-controversial. What has sparked a clash between supporters of the bill and nearly every major Florida business lobbying group is a separate provision that would allow consumers to sue over violations of the new data privacy laws, which supporters have said is a needed enforcement mechanism to give the new data privacy provisions legal teeth.

"It will be a litigation magnet," said William Large, president of the Florida Justice Reform Institute, which regularly spars with state trial lawyers over lawsuit reform issues.

Each violation could come with a \$100 to \$750 fine, and because when a large company is impacted by something like a widespread data breach, thousands of consumers could be involved, opponents like Large have argued in committee that could lead to class action lawsuits.

During a meeting of the Senate Commerce and Tourism Committee last month, state Sen. Annette Taddeo (D-Miami) filed an amendment to remove the lawsuit provisions. She acknowledged the oddity of a Democrat sponsoring amendments to help the state's generally Republican-leaning businesses lobby, but said she thought the lawsuit provisions were too large.

"If any businesses violate any provision of this bill, then they could be liable, and I believe it is too broad," Taddeo said before her amendment was defeated.

Bradley defended the clause, but said she would work with opponents moving forward.

"This cause of action I believe is very important for enforcement ... and to be able to protect our consumers' rights," she said. "A lot of companies that operate in this space have the economic ability of some world nations."

"These subtle differences combine with more serious ones — like who enforces the law — to add complexity to an already confusing regulatory landscape," Anthony Prestia, head of privacy for TerraTrue, a data privacy firm.

He said one difference in the Florida bill is that it would become effective Jan. 1, 2022, which is a much quicker timeline for companies to comply with than in other states.

"This is a full year before already-passed legislation (like California's CPRA and Virginia's VCDPA) come into effect, which gives companies a little time to come into compliance," he said.

Bradley said during the Senate committee meeting she is considering moving back her bill's effective date.

McFarland said during the last House hearing that lawsuits and legal fights are not the point, but rather it is to make sure consumer data is protected.

"In society the amount of power we have handed companies through use of our data I believe has resulted in an erosion of our right to privacy and even how we think about ownership over our own data," she said.

[Gym Owners Take On New Role as Washington Lobbyists](#) (U.S.)

Brooklyn fitness-studio owner Katie Muehlenkamp's duties expanded during the pandemic to include tech support for her online classes, scouting for outdoor workout locations and extra scrub-downs of ballet barres and yoga mats.

There was also a new job she didn't expect to have, and where success has been elusive—that of a de facto lobbyist.

Gyms and exercise facilities have been walloped by long closures, capacity limits and added costs to operate remotely and safely even as the U.S. slowly resumes pre-pandemic life.

The federal Paycheck Protection Program provided aid for small business, but largely to cover salaries. Gym owners say most of their expenses are for facility leases and insurance.

Gyms also didn't receive special funding streams like ones Congress allocated to restaurants and entertainment venues, which face similar issues.

break campaign while there is still some momentum in Congress for helping small-business owners. About 75 Republicans and Democrats have co-sponsored House legislation to provide up to \$30 billion in aid to the struggling industry.

“The pandemic for businesses like mine is not even close to being over yet,” said Ms. Muehlenkamp, who owns The Bar Method Brooklyn. “The restaurant industry and some industries as impacted as us have gotten more public attention, which is great for them. We have gotten less, and I'm not really sure why.”

Squeezing support out of the federal government is old hat to some industries. Airlines and restaurants are among those that have well-established political ties thanks to trade groups and decades or more of Washington glad-handing.

But the fitness industry and many others—from bowling centers to small concert venues to timber loggers—have been learning on the fly how Washington works.

Business owners who aren't used to comparing notes with competitors are scrambling to forge alliances. They are reorienting from local politics, where they are used to weighing in on rules and regulations, to federal, where they think they have the best chance of securing coronavirus relief. They are hiring pricey lobbyists and experimenting with grass-roots activism.

“Bowling's just been overlooked,” said Jim Decker, president of the trade group Bowling Proprietors' Association of America.

Mr. Decker said his own centers in California remain completely shut down. There are 5,000 bowling centers across the country, a tiny fraction of the number of restaurants. “We don’t have clout,” he said.

Loggers, who said they were struggling just as much as others in farming, were shut out of the Agriculture Department’s relief program until they grabbed the attention of Sen. Susan Collins (R., Maine). She worked a designated grant program into the December round of federal relief.

When the coronavirus pandemic lowered the curtain on live performances more than a year ago, independent venues didn’t even have a trade group. The question last March, as Audrey Fix Schaefer put it: “How does a nonentity get help from Washington?”

By the end of last year, 3,000 of them banded together to form the National Independent Venue Association, of which Ms. Schaefer is now spokeswoman. The new group hired lobbying giant Akin Gump Strauss Hauer and Feld—thanks to funding from ticket vendors whose fortunes rise and fall along with the venues—and secured \$16 billion for closed venues.

Working in that industry’s favor was its Type A promoters, email lists of concertgoers and big-name musicians such as Dolly Parton to Alice Cooper who could campaign for federal help.

The fitness industry started somewhere in the middle.

It established a trade group, the International Health, Racquet and Sportsclub Association, 40 years ago. But fitness centers haven’t needed much out of Washington, so they tended to focus more on the state and local politicians who typically have a more direct impact on their businesses.

“The club industry is not a real political industry,” said Helen Durkin, executive vice president of public policy for the gym trade group. Still, when the pandemic hit, it quickly became clear that federal aid could be the key to survival.

“At first we thought, can we spend enough money on lobbyists to help us?” Ms. Durkin said. “But really what seems to be making a difference is the 20,000 or so emails our people have sent Congress asking for help. What’s turning the tide is those voices.”

In December, the trade group ditched two of its three lobbyists and instead enlisted its own membership from its network of 50,000 clubs to lobby their congressional representatives for relief.

By then, smaller fitness-facility owners had grown frustrated, thinking lawmakers were unfairly lumping them in with big-box gyms like [Planet Fitness](#) and assuming they could all just weather the Covid storm without extra federal help.

About 15,000 of those businesses—many of them affiliated with brands like Orange Theory, Pure Barre and CrossFit—formed their own advocacy group, the Community Gyms Coalition, to supplement IHRSA's efforts.

Brett Ewer, the lobbyist for CrossFit, started working the phones and setting up Zoom meetings between owners and their local congressional offices.

In Ohio, Mr. Ewer thought of Dale King, a garrulous military veteran who had a brief star turn on Shark Tank in 2017 for his line of natural ointments. (He walked away with a deal.)

“Gym owners are notoriously self-sufficient and wary of assistance, but this time it’s much needed,” said Mr. King, whose CrossFit studio in Portsmouth, Ohio, works with recovering addicts.

In February he met over Zoom with staff members for Sens. Sherrod Brown (D., Ohio) and Rob Portman (R., Ohio). Ms. Muehlenkamp also has met virtually with a House member and plans to show Rep. Carolyn Maloney (D., N.Y.) around her barre studio this month.

Reps. Mike Quigley (D., Ill.) and Brian Fitzpatrick (R., Pa.) introduced the \$30 billion aid package in February.

But supporters of the plan, including Mr. Quigley, worry it is a tough sell since the federal government has already invested trillions of dollars in relief and there is a perception that the country is moving from crisis to recovery.

A self-described gym rat who represents much of Chicago, Mr. Quigley said he became interested in sponsoring the relief package after fitness-club owners and fellow gym-goers approached him a few months ago.

“They don’t have the exposure like others like the restaurant industry did. They’re catching up,” he said. “You don’t want to introduce yourself during a crisis. You want to have a relationship.”

**[Bar lobbyists from UNC Board of Governors, a new bill says. 3 of them are members now.](#)** (North Carolina)

A Republican lawmaker in his first full term as state senator is moving to eliminate a layer of political influence from the powerful body that sets policy and influences the priorities of North Carolina's 16 public universities.

A bill filed Monday by Sen. Jim Perry, of Kinston, would bar the state legislature from appointing lobbyists to the UNC System Board of Governors. If signed into law, [Senate Bill 546](#) would cut off one way some lawmakers influence the state's higher education system by appointing close allies and donors, potentially making the board more independent.

The UNC System BOG is [in some ways viewed as an extension of North Carolina's General Assembly](#). In recent years, the Republican majority has stacked the board with 24 members, flushing it of Democrats. Three members are currently lobbyists — Reggie Holley, David Powers and Thom Goolsby — and one is a former lobbyist. Others include donors, former lawmakers or champions of Republican policies.

Perry's bill would prevent lobbyists from trying to balance the interests of the UNC System with those of clients who want certain legislation passed and lawmakers whose support they need to bring those bills across the finish line. Some lobbyists with big-name clients also have the power to direct campaign finance money to legislators, said longtime campaign finance watchdog Bob Hall.

"They get appointed because they developed a cozy relationship with legislators," Hall said. "They're a part of the good ol' boy network and become enmeshed in that good ol' boy system. Legislators can feel better putting them on the board as a bit of reward but also a safe appointment that they know won't rock the boat. The whole thing is just very incestuous."

Democrats did the same thing when they were in the majority, Hall said.

### *Lobbyists' Role*

In this year's legislative session, lawmakers filled 12 seats for board members with expiring terms and [one additional seat](#) to replace Darrell Allison.

Allison is an advocate of school choice and a former lobbyist. He resigned from the board to become [chancellor of Fayetteville State University](#), which was met with [criticism from some students, faculty and alumni](#).

State leaders had an opportunity to improve the [racial diversity of UNC System leaders](#), most of whom are white men. However, not much changed with the new appointees in terms of either political makeup or the number of women and people of color.

Another prominent lobbyist, [Tom Fetzner](#), resigned from the board last year after becoming involved in several controversies. Then in March, Fetzner sent a text message saying he was putting together a fundraiser for Republican Rep. John Bell, which Fetzner and Bell later said was a mistake.

Holley, a lobbyist reappointed to the board this year, [has close ties with House Speaker Tim Moore](#), a News & Observer investigation found in October.

If the legislation passes, lobbyists like Holley would be able to finish serving their terms. But lobbyists could not be appointed moving forward, and future board members would have to resign if they or their spouses become lobbyists.

“Doing this would enable us to avoid any appearance of potential conflicts and prevent good ideas from being discounted because of assumptions of someone’s motive,” Perry said.

Most public institutions are governed by people appointed by state legislators or governors, so it’s not uncommon to have boards align with the political powers in the state, said Henry Stoeber, president and CEO of the Association of Governing Boards of Universities and Colleges. And it’s not an issue to have a former state legislator or a lobbyist on a board, he said. But it becomes a problem if those board members only listen to who put them there and only do what the governor or state legislature wants them to do, Stoeber said.

“Board members need to exercise independence of thought regardless of how they got to that board,” Stoeber said.

With dozens of other bills filed ahead of the Senate’s Tuesday filing deadline, it’s unlikely the bill will be heard or voted on anytime soon. And because the majority party benefits from appointing political allies to the board, it may not receive broad support.

If signed into law, however, the bill would also bar lawmakers from appointing state legislators and employees or officers of the state, university system or its constituent institutions to the Board of Governors. Spouses would also be ineligible for appointment.

In its current form, the bill would not restrict lobbyists from being appointed to the boards of trustees of the schools within the UNC System, which each consist of 13 voting members. Four of those members on each board are appointed by the legislature.

Rep. Julia Howard, a Republican from Mocksville, [filed legislation last week](#) that would add more political influence to the board. It would require that four nonvoting members of the General Assembly be appointed to the board for two-year terms.

### [House ethics committee discusses possible ‘revolving door’ prohibition for Illinois lawmakers](#)

You may remember Illinois had a special commission created to address ethics and lobbying reform last year. The group met several times in the early months of 2020. Members missed a requirement to submit a report of recommendations for lawmakers. That never happened due to the COVID-19 pandemic cutting session short.

Now, lawmakers hope they can address some of the problematic areas this year. A key focus during the House Ethics and Elections Committee hearing Monday was the revolving door in Springfield. This is a common metaphor used by political observers when elected officials step down and quickly become lobbyists.

Democratic lawmakers proposed a six-month prohibition period during lame-duck session in January. However, good government groups say that would leave Illinois at the “bottom of the barrel” compared to other states.

“More than a dozen states have at least a two-year prohibition on lobbying,” said Alisa Kaplan, Executive Director of Reform for Illinois. “Thirty-six have at least one year. Only one state that we could find, North Carolina, has a six-month provision.”

Of course, this comes following backroom dealing by former lawmakers working as lobbyists with ties to former Speaker Mike Madigan who arranged deals for ComEd. Some Democratic committee members said they agree change is needed. But, they don’t want a “blanket” ban on accepting lobbying jobs after serving the public.

Rep. Ann Williams (D-Chicago) mentioned she helped craft a massive ethics reform package while working with former Attorney General Lisa Madigan. That was years before Williams started in the General Assembly. Although, she said there’s clearly more cases of corruption in Springfield today.

“At the end of the day, corruption happens when people make bad decisions and are willing to disregard the law and take immoral and unethical and illegal actions,” Williams said.

She said a revolving door prohibition probably wouldn’t stop people who “blur the lines” of their profession and working on behalf of their constituents. Williams explained that lawmakers have to pick a lane and focus on helping their voters while in office. However, she feels officials should have the choice to work for an organization they support.

“If we have to put the bar so low that we have to make us basically incapable of making our own decisions and acting ethically within the oath we all took, I think that does not bode well for our state in the future. I just have trouble finding a nexus between some of these issues, not all, and the problems that we’re really facing in terms of restoring our faith in government,” Williams said.

### *A matter of equity*

The Chicago Board of Ethics also weighed in on the discussion for a revolving door provision. While some lobbying work is different between the state and city, Executive Director Steve Berlin told committee members it’s important to limit favoritism.

“People will meet with and try to sway city officials and city employees, ‘Give my organization the money,’” said Berlin. “So, we look at it as a matter of equity. If one of these organizations has somebody who is a former alderman, for example, naturally, it would seem that the people who are in the city are going to be favoring that person. It puts other organizations that are competing for that same pot of money in a disadvantage. We don’t want to get in a situation where there’s a bidding war.”

Meanwhile, Rep. Marcus Evans Jr. (D-Chicago) says the revolving door creates a classism issue. He emphasized that Illinois doesn’t have much restriction on business interests for lawmakers as compared to employment. Evans noted that several members of the General Assembly were rich before taking office, while others will need to work the rest of their lives.

“My rich colleague is not going to get a job, right? But, I happen to be a working class African American. So, unfortunately I don’t have a trust fund,” Evans said. “I’m probably going to get a job after employment because I don’t want to serve in the General Assembly for 40 years. So, I’m gonna get employment...Unfortunately, I think that’s something that’s really been missed.”

Evans noted that the group of lawmakers who often seek employment after public service are Black, women, or other minorities.

*Bills up for discussion*

Several proposals awaiting discussion from the Ethics committee have provisions addressing the revolving door. Rep. Patrick Windhorst filed an [omnibus bill](#) that would require a one-year prohibition after a term expires or the remainder of a member's current term, whichever is longer. Rep. Tom Bennett's [proposal](#) would block lawmakers from becoming lobbyists until two years after leaving office.

Committee Chair Kelly Burke (D-Evergreen Park) said lawmakers will likely re-use some of the [language](#) from the ethics package that failed to pass during lame-duck session.

Common Cause Illinois, Change Illinois, and the Better Government Association support a two-year revolving door period.